



January 22, 2008

HOUSE BILL No. 1248

DIGEST OF HB 1248 (Updated January 17, 2008 11:12 am - DI 103)

Citations Affected: IC 9-13; IC 9-17; IC 33-37.

Synopsis: Law enforcement continuing education program court fee. Increases the law enforcement continuing education program court fee from \$3 to \$6. Provides that under certain circumstances, certain motor vehicles titled outside of Indiana do not need an inspection in order for an Indiana title to be issued.

Effective: July 1, 2008.

Austin

January 14, 2008, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 22, 2008, amended, reported — Do Pass. Reassigned to Committee on Ways and Means.

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HB 1248—LS 6059/DI 87+



January 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1248

A BILL FOR AN ACT to amend the Indiana Code concerning law enforcement.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-150.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2008]: **Sec. 150.5. "Registered importer" has**
4 **the meaning set forth in IC 9-17-2-0.5.**
5 SECTION 2. IC 9-17-2-0.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2008]: **Sec. 0.5. As used in this chapter, "registered importer"**
8 **means a person:**
9 (1) **registered as an importer with the National Highway**
10 **Traffic Safety Administration; and**
11 (2) **that is a validated member of the United States**
12 **Department of Homeland Security's Customs-Trade**
13 **Partnership Against Terrorism (C-TPAT) administered by**
14 **the United States Customs and Border Protection.**
15 SECTION 3. IC 9-17-2-12 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 12. (a) As used in this**
17 **section, "dealer" refers to a dealer that has:**

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- (1) been in business for not less than five (5) years; and
 (2) sold not less than one hundred fifty (150) motor vehicles during the preceding year.

(b) This section does not apply to the following:

- (1) A new motor vehicle or recreational vehicle sold by a dealer licensed by the state.
 (2) A motor vehicle or recreational vehicle transferred or assigned on a certificate of title issued by the bureau.
 (3) A motor vehicle that is registered under the International Registration Plan.

(4) A motor vehicle that is titled in a foreign country and imported by a registered importer, if:

(A) the registered importer complies with section 12.5(a) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(5) A motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, an insurance company, or a motor vehicle rental company, if:

(A) the financial institution, lending institution, insurance company, or motor vehicle rental company complies with section 12.5(b) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(c) An application for a certificate of title for a motor vehicle or recreational vehicle may not be accepted by the bureau unless the motor vehicle or recreational vehicle has been inspected by one (1) of the following:

- (1) An employee of a dealer designated by the bureau to perform an inspection.
 (2) A military policeman assigned to a military post in Indiana.
 (3) A police officer.
 (4) A designated employee of the bureau.

(d) A person described in subsection (c) inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:

- (1) Make a record of inspection upon the application form prepared by the bureau.
 (2) Verify the facts set out in the application.

SECTION 4. IC 9-17-2-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 12.5. (a) Except as provided in subsection (d), the**

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bureau may accept an application for a certificate of title for a motor vehicle that is titled in a foreign country and imported by a registered importer without requiring an inspection under section 12(c) of this chapter if the registered importer presents the bureau with the following documentation relating to the motor vehicle:

(1) A copy of the registered importer's validation agreement issued by the United States Customs and Border Protection (CBP).

(2) A copy of the entry summary issued by the United States Customs and Border Protection (CBP Form 7501).

(3) A vehicle history report issued by an independent provider of vehicle history information that includes:

(A) the vehicle's title information;

(B) the vehicle's odometer readings; and

(C) the number of owners of the vehicle.

(b) Except as provided in subsection (d), the bureau may accept an application for a certificate of title for a motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, an insurance company, or a motor vehicle rental company if the financial institution, lending institution, insurance company, or motor vehicle rental company presents the bureau with a vehicle history report issued by an independent provider of vehicle history information that includes:

(1) the motor vehicle's title information;

(2) the motor vehicle's odometer readings; and

(3) the number of owners of the motor vehicle.

(c) A:

(1) registered importer or;

(2) financial institution, lending institution, insurance company, or motor vehicle rental company;

must maintain a copy of all documentation required by this section for at least ten (10) years.

(d) An inspection of a motor vehicle described in subsection (a) or (b) is required under section 12(c) of this chapter if:

(1) the registered importer; or

(2) the financial institution, lending institution, insurance company, or motor vehicle rental company;

is unable to provide the bureau with the documentation required by this section.

SECTION 5. IC 33-37-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) This section applies to criminal, infraction, and ordinance violation actions.

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1 However, it does not apply to a case excluded under IC 33-37-4-2(d).
2 (b) The clerk shall collect the alcohol and drug services program fee
3 set by the court under IC 12-23-14-16 in a county that has established
4 an alcohol and drug services program.
5 (c) In each action in which a defendant is found to have:
6 (1) committed a crime;
7 (2) violated a statute defining an infraction; or
8 (3) violated an ordinance of a municipal corporation;
9 the clerk shall collect a law enforcement continuing education program
10 fee of ~~three~~ **six** dollars ~~(\$3)~~ **(\$6)**.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1248, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning law enforcement.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-150.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 150.5. "Registered importer" has the meaning set forth in IC 9-17-2-0.5.**

SECTION 2. IC 9-17-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. As used in this chapter, "registered importer" means a person:**

- (1) registered as an importer with the National Highway Traffic Safety Administration; and**
- (2) that is a validated member of the United States Department of Homeland Security's Customs-Trade Partnership Against Terrorism (C-TPAT) administered by the United States Customs and Border Protection.**

SECTION 3. IC 9-17-2-12 IS AMENDED TO READ AS FOLLOWS EFFECTIVE JULY 1, 2008: Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

- (1) been in business for not less than five (5) years; and
- (2) sold not less than one hundred fifty (150) motor vehicles during the preceding year.

(b) This section does not apply to the following:

- (1) A new motor vehicle or recreational vehicle sold by a dealer licensed by the state.
- (2) A motor vehicle or recreational vehicle transferred or assigned on a certificate of title issued by the bureau.
- (3) A motor vehicle that is registered under the International Registration Plan.
- (4) A motor vehicle that is titled in a foreign country and imported by a registered importer, if:**

- (A) the registered importer complies with section 12.5(a) of this chapter; and**
- (B) section 12.5(d) of this chapter does not apply to the**

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motor vehicle.

(5) A motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, an insurance company, or a motor vehicle rental company, if:

(A) the financial institution, lending institution, insurance company, or motor vehicle rental company complies with section 12.5(b) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(c) An application for a certificate of title for a motor vehicle or recreational vehicle may not be accepted by the bureau unless the motor vehicle or recreational vehicle has been inspected by one (1) of the following:

- (1) An employee of a dealer designated by the bureau to perform an inspection.
- (2) A military policeman assigned to a military post in Indiana.
- (3) A police officer.
- (4) A designated employee of the bureau.

(d) A person described in subsection (c) inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:

- (1) Make a record of inspection upon the application form prepared by the bureau.
- (2) Verify the facts set out in the application.

SECTION 4. IC 9-17-2-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS EFFECTIVE JULY 1, 2008: **Sec. 12.5. (a) Except as provided in subsection (d), the bureau may accept an application for a certificate of title for a motor vehicle that is titled in a foreign country and imported by a registered importer without requiring an inspection under section 12(c) of this chapter if the registered importer presents the bureau with the following documentation relating to the motor vehicle:**

- (1) A copy of the registered importer's validation agreement issued by the United States Customs and Border Protection (CBP).**
- (2) A copy of the entry summary issued by the United States Customs and Border Protection (CBP Form 7501).**
- (3) A vehicle history report issued by an independent provider of vehicle history information that includes:**
 - (A) the vehicle's title information;**
 - (B) the vehicle's odometer readings; and**
 - (C) the number of owners of the vehicle.**

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(b) Except as provided in subsection (d), the bureau may accept an application for a certificate of title for a motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, an insurance company, or a motor vehicle rental company if the financial institution, lending institution, insurance company, or motor vehicle rental company presents the bureau with a vehicle history report issued by an independent provider of vehicle history information that includes:

- (1) the motor vehicle's title information;
- (2) the motor vehicle's odometer readings; and
- (3) the number of owners of the motor vehicle.

(c) A:

- (1) registered importer or;
- (2) financial institution, lending institution, insurance company, or motor vehicle rental company;

must maintain a copy of all documentation required by this section for at least ten (10) years.

(d) An inspection of a motor vehicle described in subsection (a) or (b) is required under section 12(c) of this chapter if:

- (1) the registered importer; or
- (2) the financial institution, lending institution, insurance company, or motor vehicle rental company;

is unable to provide the bureau with the documentation required by this section."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1248 as introduced.)

TINCHER, Chair

Committee Vote: yeas 7, nays 4.

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